

ARTICLE V  
District Regulations

**§ 225-26. Supplementation of regulations.**

The restrictions, requirements and controls intended to regulate developments and the use of land in each zone are set forth hereinafter and supplemented by other sections of this chapter.

**§ 225-27. CRW Conservation-Recreation-Wetland District and RA Rural Agriculture District. [Amended 7-25-1979 by Ord. No. 19-1979; 12-8-1982 by Ord. No. 71-1982; 4-13-1983 by Ord. No. 35-1983; 3-11-1992 by Ord. No. 8-1992; 6-12-2002 by Ord. No. 34-2002]**

A. Permitted principal uses shall be:

- (1) Farming and agricultural operations as defined in this chapter (§ 225-3).
- (2) Single-family dwellings.
- (3) Churches and other similar places of worship.
- (4) Golf courses.
- (5) Stables and horse farms as defined in this chapter (§ 225-3).
- (6) Private schools, museums, nonprofit clubs, fraternal organizations and volunteer independent fire companies, rescue squads and first-aid squads.
- (7) Marinas, subject to all standards, conditions and development regulations of the MC District. **[Added 10-12-2005 by Ord. No. 55-2005]**

B. Permitted accessory uses shall be:

- (1) Uses customary and incidental to the principal uses.
- (2) Roadside stands for the sale of produce, primarily raised and produced by the owner of the premises, provided that said roadside stand is located 30 feet from the street line.
- (3) Professional home offices, provided that not more than 25% of the gross floor area of the principal building is used for office purposes.
- (4) Private garage.

C. Area, yard and building requirements shall be as specified in § 225-7.

D. Permitted modifications and conditional uses shall be:

- (1) (Reserved)
- (2) (Reserved)<sup>1</sup>

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1. Editor's Note: Former Subsection D(3), regarding marinas, which immediately followed this subsection, was repealed 10-12-2005 by Ord. No. 55-2005.

E. Other requirements and regulations shall be:

- (1) Site plan requirement.
- (2) Sign regulations. See Article VIII.
- (3) Off-street parking and loading requirements. See Article VII.

**§ 225-28. R-1 Residential Zone. [Amended 12-8-1982 by Ord. No. 71-1982; 4-13-1983 by Ord. No. 11-1983; 11-9-1983 by Ord. No. 35-1983; 6-12-2002 by Ord. No. 34-2002]**

A. Permitted principal uses shall be:

- (1) Same as § 225-27A(1) through (4) and (6).

B. Permitted accessory uses shall be:

- (1) Same as § 225-27B(1) through (4).

C. Area, yard and building requirements shall be as specified in § 225-7.

D. Permitted modifications and conditional uses shall be: none. [Amended 3-24-2004 by Ord. No. 14-2004]

E. Other requirements shall be:

- (1) Same as § 225-27E.

**§ 225-29. (Reserved)<sup>2</sup>**

**§ 225-30. R-2 Residential Zone. [Amended 12-8-1982 by Ord. No. 71-1982; 4-13-1983 by Ord. No. 11-1983; 6-12-2002 by Ord. No. 34-2002]**

A. Permitted principal uses shall be:

- (1) Same as § 225-27A(1) through (4) and (6).

B. Permitted accessory uses shall be:

- (1) Same as § 225-27B(1) through (4).

C. Area, yard and building requirements shall be as specified in § 225-7.

D. Permitted modifications and conditional uses shall be: none.

E. Other requirements shall be:

- (1) Same as § 225-27E.

**§ 225-31. R-3 Residential Zone. [Amended 12-8-1982 by Ord. No. 71-1982; 2-24-1993 by Ord. No. 9-1993; 6-12-2002 by Ord. No. 34-2002]**

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2. Editor's Note: Former § 225-29, R-1 PUD Residential Zone, was repealed 2-24-1993 by Ord. No. 9-1993.

- A. Permitted principal uses shall be:
  - (1) Same as § 225-27A(1) through (4) and (6).
- B. Permitted accessory uses shall be:
  - (1) Same as § 225-27B(1) through (4).
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modifications and conditional uses shall be: none.
- E. Other requirements shall be:
  - (1) Same as § 225-27B.

**§ 225-32. R-4 Residential Zone. [Amended 7-25-1979 by Ord. No. 19-1979; 12-8-1982 by Ord. No. 71-1982; 6-12-2002 by Ord. No. 34-2002]**

- A. Permitted principal uses shall be:
  - (1) Single-family dwellings.
  - (2) Churches and other similar places of worship.
  - (3) Nonprofit clubs, fraternal organizations and volunteer independent fire companies, rescue squads and first-aid squads.
- B. Permitted accessory uses shall be:
  - (1) Uses and buildings customary and incidental to the principal uses.
  - (2) Professional home offices, provided that not more than 25% of the gross floor area of the principal building is used for office use.
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modifications and conditional uses shall be:
  - (1) Multifamily residential subject to Article IX.
- E. Other requirements shall be:
  - (1) Same as § 225-27E.

**§ 225-33. R-5 Residential Zone. [Amended 12-8-1982 by Ord. No. 71-1982; 6-12-2002 by Ord. No. 34-2002]**

- A. Permitted principal uses shall be:
  - (1) Same as § 225-32A(1) through (3).
- B. Permitted accessory uses shall be:

- (1) Same as § 225-32B(1) and (2).
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modifications and conditional uses shall be: none.
- E. Other requirements shall be:
  - (1) Same as § 225-27E.

**§ 225-33.1. R-6 Residential Zone. [Added 9-13-2000 by Ord. No. 33-2000]**

The purpose of the R-6 Residential District is to permit residential development that is compatible with existing development in the waterfront areas of the Township.

- A. Permitted principal uses shall be:
  - (1) Single-family detached dwellings.
- B. Permitted accessory uses shall be:
  - (1) Uses and buildings customary and incidental to the principal uses.
  - (2) Decks, sheds, pools and other structures that are accessory to the principal building, whether attached or detached from the principal building.
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modification and conditional uses shall be: none.

**§ 225-34. R-5 Apartment Residential Zone. [Added 10-11-1978 by Ord. No. 24-1978]**

- A. Permitted uses shall be:
  - (1) Same as § 225-32A.
  - (2) Multifamily residential subject to Article IX.
  - (3) Planned unit development subject to Subsection D.
- B. Permitted accessory uses shall be:
  - (1) Uses and buildings customary and incidental to the principal uses.
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modifications shall be:
  - (1) Planned unit development regulations.
    - (a) Application procedures. Any application for a planned development shall be made under and in accord with all the regulations and procedures as set forth for a major subdivision and major site plan as set forth in Egg Harbor Township Ordinance No. 17-1977.<sup>3</sup>

- (b) Permitted uses shall be:
- [1] Residential.
    - [a] Townhouse dwellings.
    - [b] Garden apartments.
  - [2] Nonresidential.
    - [a] All uses permitted in the RCD and MC Districts.
    - [b] Motels.
    - [c] Commercial recreational uses limited to indoor tennis, handball and racquetball courts, movie theaters and health clubs.
- (c) Accessory uses shall be uses customary and incidental to the principal use.
- (d) Development regulations for planned unit development.
- [1] Minimum land area required to qualify development option provisions: 80,000 square feet. The minimum required area shall include only lands adjacent to each other under single ownership and located within the zone district specified. **[Amended 4-25-2007 by Ord. No. 18-2007]**
  - [2] Maximum floor area ratio (FAR): 1.85. The floor area ratio (FAR) shall be calculated by the fraction produced by dividing the total proposed building floor area by the total acreage of the tract. **[Amended 4-25-2007 by Ord. No. 18-2007]**
  - [3] Gross density dwellings/acre: 12 per acre. Gross density shall be calculated by multiplying the maximum number of dwelling units permitted per acre times the total acreage of the tract.
  - [4] Minimum and maximum percent of total FAR permitted for residential use: **[Amended 4-25-2007 by Ord. No. 18-2007]**
    - [a] Minimum: 0.40%.
    - [b] Maximum: 0.85%.
  - [5] Minimum and maximum percentage of total FAR permitted for commercial uses: The words “commercial use” shall include all retail and wholesale trade business engaged in the sale and/or service of food, clothing, household goods, appliances and furnishings. Uses commonly known as department stores, banks, theaters, barbershops and beauty shops, delicatessens, grocery stores, markets, restaurants, drugstores, bowling alleys, hotels, motels, boatels and marinas shall also be classified as commercial uses. **[Amended 4-25-2007 by Ord. No. 18-2007]**

[a] Minimum: 0.10%.

[b] Maximum: 1%.

[6] Minimum and maximum percent mix of permitted residential housing types:

[a] Townhouse unit: 0% to 10%.

[b] Apartment unit: 0% to 100%.

[7] Minimum percent required open space of total area of tract: 50%. Minimum required open space shall include all lands, whether to be in common open space, public facility areas or public areas. Required open space lands shall not include yard areas used for nonresidential purposes and, where access to such yard(s) is closed to the public, land area within the right-of-way of a public or private street and land area between walkways or sidewalks and buildings wherein the principal use of said lands is to provide for pedestrian traffic to and from buildings and parking lots. Open space areas may include portions or all the area of lots, provided that the owners' association is established in accordance with applicable state law or the land is dedicated to the Township in order to ensure permanent establishment and maintenance of the open space area(s).

E. Other standards for residential development.

- (1) Townhouse development. A "townhouse development" for purposes of this subsection shall mean a townhouse residential cluster developed as a single entity which has a common or public open space as an appurtenance.
  - (a) The maximum density for a townhouse residential cluster shall be 12 units per acre.
  - (b) Minimum setback distance shall be 100 feet from all existing state and county roads or any road other than a local street as designated upon the Master Plan of Egg Harbor Township. The minimum setback from all other public streets shall be 50 feet.
  - (c) Minimum floor area per unit shall be 750 square feet.
  - (d) Maximum floor area per unit shall be 1,850 square feet.
  - (e) Maximum average aggregate per unit floor area of all townhouses shall be 1,400 square feet.
  - (f) Minimum off-street parking requirements shall be that 1.75 spaces shall be required per unit.
  - (g) Floor plans for each typical development shall be required.
- (2) Standards for multifamily residential buildings and accessory uses which are customarily incidental to said use, such as but not limited to private car garages, swimming pools, recreational areas and incidental structures necessary thereto, management offices and maintenance and storage buildings, shall be:

- (a) Minimum frontage.
  - [1] Minimum frontage shall be 300 feet on an existing perimeter street. For the purpose of minimum frontage, the entire tract submitted as a planned unit development shall be considered.
  - [2] Minimum frontage, side and rear yard widths; shall be 50 feet. For the purposes of minimum frontage of side and rear yard widths, the entire tract submitted as a planned unit development shall be considered.
- (b) Height regulations. Residential structures may exceed 30 feet in height, provided that for each one foot of building height in excess of 30 feet, an additional one foot setback from a property line and/or public perimeter street shall be required.
- (c) No basement units are permitted.
- (d) Minimum floor area.
  - [1] No apartment dwelling unit shall have a floor area less than 450 square feet.
  - [2] No one bedroom dwelling unit shall have a floor area of less than 650 square feet.
  - [3] No two-or-more-bedroom dwelling unit shall have a floor area of less than 850 square feet.
- (e) Floor plans of typical units shall be required. Any room other than kitchen, bathroom, closet or combined living-dining room shall be counted as a bedroom for purposes hereof.
- (f) Off-street parking requirements.
  - [1] No on-street parking shall be permitted on any street, road, thoroughfare, accessway or driveway, whether public or private.
  - [2] Each parking area shall be adequately lighted either with wall- or post-mounted ornamental fixtures.
- (g) Minimum off-street parking requirements shall be 1.5 spaces for each residential dwelling unit.
- (h) Recreational requirements. The following recreational requirements shall be met and developed with facilities suitable to serve the residents of the dwelling units. Said facilities shall be located so as not to be detrimental to adjacent property owners by virtue of noise, light, glare and any other objectionable features emanating therefrom.
  - [1] Minimum size of any one recreational area: 10,000 square feet.
  - [2] Five percent of the gross area shall be developed for recreational purposes.
- (i) All projects shall be serviced by public water and sewer utilities.

- F. Standards of commercial development. All commercial site development shall comply with the minimum standards of the HB District, except as modified or supplemented hereafter: **[Amended 2-24-1993 by Ord. No. 9-1993]**
- (1) Total building area used for retail sales shall not exceed 20% of the tract.
  - (2) No building and off-street parking used for commercial use shall be located within 150 feet of an R-5 Zone line.
  - (3) Commercial structures may exceed 35 feet in height, provided that for each one foot of building height in excess of 35 feet an additional one foot setback from an R-5 Zone district line and public street line shall be required.
  - (4) For the purposes of interpreting the minimum standards of the HB District, the entire tract of land submitted for development as a PUD shall be considered as the outer boundaries in relation to the requirements for minimum lot size, minimum required yard depth and minimum percentage of lot coverage.
  - (5) Buffers shall be in accordance with the requirements contained in Chapter 225 and § 94-8 with the exception of § 94-8J, which shall not apply. **[Added 4-25-2007 by Ord. No. 18-2007]**
- G. Open space requirements.
- (1) In reviewing applications for planned unit development, the Planning Board will require evidence that adequate open space in appropriate locations will be available.
  - (2) Open space must have safe and convenient pedestrian access.
  - (3) The applicant must consult with the Planning Board early in the design stage to ascertain open space requirements. Suitable land equal to the minimum percent of the total gross area as specified herein shall be designated as open space. Such open space shall consist of common open space, public open space, public areas inclusive of pathways and bike trails and public drainageways which shall be established and regulated in conformance with state statute.
  - (4) Common open space. The landowner shall provide for the establishment of an organization for the ownership and maintenance of any common open space, and such organization shall be established and regulated by all applicable standards and conditions of state statute.
- H. Required land use development staging.
- (1) As a condition to preliminary approval of a planned unit development plan, the Planning Board may permit the implementation of the plan in whole or in sections or in stages consisting of one or more sections or stages, under the sequence of actions determined as a part of the development plan. Such sections or stages shall be:
    - (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces and similar physical features and shall be capable of substantial occupancy, operation and maintenance upon completion of



construction and development.

- (b) Properly related to other services of the community as a whole and to those facilities and services yet to be provided in the full execution and implementation of the development plan.
- (c) Provided with such temporary or permanent transitional features, buffers or protective areas as the Planning Board may require as will prevent damage or detriment to any completed section or stage, to other sections or stages and to adjoining properties not in the development plan. Plans and specifications of such sections or stages are to be filed with the Planning Board and are to be of sufficient detail and at such scale as to fully demonstrate the following:
  - [1] The arrangement and site locations of all structures, primary and accessory land uses, parking, landscaping, public and private utilities and service facilities and land ownership conditions.
  - [2] Estimates of the economic base of the section or stage and its one or more sections or stages as supported by such evidence as the estimated cost and market values of structures and land improvement increase of taxable values; costs of maintenance and services to be borne by public and private agencies; potential rental scale costs of utility installation; the financial ability of the developer to complete the plan and such other financial considerations as the Planning Board shall deem applicable.
  - [3] Estimates of its population characteristics such as the size and composition of future population in terms of probable family sizes of the several dwelling unit types; their need for public services and protection, for recreational facilities and for commercial and professional services; anticipated rental scales; and related consideration.
  - [4] Such further reasonable evidence and fact that the Planning Board may require in order to determine that the objectives and standards set forth herein are met.
  - [5] Upon finding that the plan and specifications for the proposed development of the section or stage conform to the above conditions, the Planning Board shall so inform the administrative officers as are charged with the issuance of permits for the construction of utilities or structures that upon presentation of requisite working drawings and specifications such permits may be issued. Upon substantial completion of any section or stage, which shall include all performance bonds, covenants and similar instruments to assure such completion, and before proceeding with the review and approval of additional sections or stages, the Planning Board may require a report and review of the status, character and conditions and other previous completed sections or stages with regard to their compliance with the plans, specifications and estimates which formed the basis for their action and approval. Upon finding that such compliance has occurred, the Board shall begin proceedings for the review of the new section or stage.

- [6] As a further condition for approval of later sections or stages, the Board may require or permit adjustments or modifications in the conditions established in the approved development plan to compensate for differences between the estimates of record on previously approved and completed sections or stages as required and the actual conditions prevailing upon their completion. In this regard, consideration may be given to the balance of land uses established consistent with the conditions of the development plan and the extent of variation from the social and economic estimates upon which previous approval may have been based.
- (2) Notwithstanding the aforementioned conditions and regulations, the following schedule for land development prevails. Following preliminary approval of the development plan, building permit shall be issued for the development plan in accord with the following;
- (a) No building permit shall be issued for more than 25% of the residential units until at least 15% of the total commercial development contemplated by the total development plan has been issued.
  - (b) Following the issuance of certificates of occupancy for 15% of the total commercial buildings of the development plan, then building permits may be issued for no more than an additional 25% of the total of the residential units of the development plan. No further residential permits shall be issued until an additional 25% of the total contemplated commercial development is constructed, for which certificates of occupancy are issued.
  - (c) Following the issuance of a certificate of occupancy for the additional 25% of the commercial building area, building permits may be issued for the plan. No further residential permits shall be issued until an additional 35% of the total of the commercial development contemplated has been constructed and for which certificates of occupancy have been issued.
  - (d) Following issuance of certificates of occupancy for 75% of the commercial areas of the development plan, then the building permits may be issued for the balance of the residential dwelling units of the development plan.
  - (e) Other standards and conditions of general applicability: street, utilities and other public facilities. The authority granted to the Planning Board and the Township of Egg Harbor to establish standards for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, stormwater drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be vested in the Planning Board for the purposes of this section. The Planning Board is hereby authorized to make such modifications of standards and requirements otherwise required of subdivisions as set forth in the Land Subdivision Ordinance of the Township of Egg Harbor<sup>4</sup> as long as such modifications are consistent with the terms of this section, except that the

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4. Editor's Note: See Ch. 198, Subdivision of Land and Site Plan Review.

following minimum standards shall apply:

- [1] The right-of-way and pavement widths for internal ways, roads and alleys serving townhouse clusters and commercial and industrial developments shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full development proposed and the traffic to be generated thereby and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of firefighting equipment and police vehicles and shall be certified thereto by a competent expert or experts licensed under the laws of the State of New Jersey. In such instance, other provisions of this section shall not apply but may serve as general guides to the Planning Board in approving the development plans. Internal private roads shall have a required pavement width as follows:
  - [a] One-way traffic roads: 20 feet of pavement width.
  - [b] Two-way traffic roads: 30 feet of pavement width.
  - [c] Sidewalks shall be at least three feet in width.
  - [d] Serviceways for public service and emergency vehicles shall be no less than 15 feet in width.
- [2] Electrical utility lines. All electric, gas and telephone utility lines shall be installed underground. Prior to the issuance of a building permit, written certification from each serving utility shall be required which shall evidence full compliance with the provisions of this requirement.
- [3] In addition to all other standards, conditions or requirements set forth in this section, all site and building plans shall be reviewed by the Planning Board in regard to safety and convenience of traffic access and parking, disposition and usability of open space, compatibility of building types, building construction, floor plans and other factors relating to site design. Said site review will also include site design as it fits in with the general development of the entire development plan area.

**§ 225-35. NB Neighborhood Commercial District. [Amended 12-8-1982 by Ord. No. 71-1982; 2-24-1993 by Ord. No. 9-1993; 3-14-2001 by Ord. No. 8-2001; 6-12-2002 by Ord. No. 35-2002]**

A. Permitted principal uses shall be:

- (1) Restaurants, including drive-in and quick-food restaurants. **[Amended 12-21-2011 by Ord. No. 39-2011]**
- (2) Professional or business offices; banks.
- (3) Private or public schools, clubs and eleemosynary uses.
- (4) Food markets and supermarkets, delicatessens, bakeries; liquor stores. **[Amended**

**12-21-2011 by Ord. No. 39-2011]**

- (5) Personal service establishments limited to shoe shops, laundries, barbershops, beauty parlors, hardware shops and drugstores.
  - (6) Business services limited to shops of plumbers, carpenters, electricians, painters or similar tradesmen, provided that in these permitted stores or shops, no merchandise shall be carried other than that intended to be sold at retail on the premises, and provided that only electric motor power is used for operating any machine used incidental to any permitted use and that in no one store shall more than a five-horsepower motor be so employed.
  - (7) Retail sales and retail services. **[Added 4-11-2012 by Ord. No. 8-2012<sup>5</sup>]**
  - (8) Personal wireless telecommunications facility not to exceed 120 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**
  - (9) Commercial recreation facilities, including outdoor and indoor theatres, miniature golf and golf driving ranges, batting cages, bowling alleys, indoor soccer, skating rinks and others similar to those noted herein. **[Added 5-30-2007 by Ord. No. 28-2007]**
- B. Permitted accessory uses shall be:
- (1) Uses and buildings customary and incidental to the primary use or building.
  - (2) Private garages.
  - (3) Personal wireless telecommunications equipment facility not to exceed 15 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modifications and conditional uses:
- (1) Automotive repair and service uses subject to the following special requirements:
    - (a) No automotive repair or service shop shall store out of doors in a front or side yard any wrecked, damaged, disassembled (either in whole or in part) vehicles, boats or used automotive or marine parts or used supplies or materials thereof. Any such storage area located in a rear yard shall be screened so that no stored vehicle or article shall be visible from the front of the premises or the front of any adjacent premises. No materials whatsoever may be stored within the front yard setback for the NB Zone.
    - (b) No part of any building used as an automobile repair shop nor equipment incidental thereto shall be erected within 100 feet of any residential zone boundary line.
    - (c) All lifts and greasing equipment shall be located within an enclosed building.
    - (d) A landscaping buffer in accordance with §§ 94-8 and 94-22 shall be installed at a

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5. Editor's Note: This ordinance also redesignated Subsection A(7) and (8) as Subsection A(8) and (9), respectively.

minimum width of 50 feet along the front and sides of the premises.

- (2) Shopping centers subject to a minimum lot area requirements of three acres. **[Added 12-21-2011 by Ord. No. 39-2011]**
- (3) Gasoline filling stations; mixed retail sales and gasoline filling stations subject to additional standards set forth in § 225-71. **[Added 4-11-2012 by Ord. No. 8-2012]**

E. Other requirements shall be:

- (1) (Reserved)
- (2) Landscape and buffer requirements as specified in §§ 94-8 and 94-22 of the Township Code.
- (3) Transition or buffer area requirement. A landscaping buffer strip of 15 feet in width shall be installed along any common property line of a lot in the NB Zone and residential zones, except that when the adjoining lot in the residential zone is used for nonresidential purposes, no buffer strip shall be required.

**§ 225-36. CB Community Business District. [Amended 12-8-1982 by Ord. No. 71-1982; 6-8-1994 by Ord. No. 25-1994; 3-14-2001 by Ord. No. 8-2001 6-12-2002 by Ord. No. 35-2002]**

A. Permitted principal uses shall be:

- (1) As specified in § 225-35A(1) through (7). **[Amended 4-11-2012 by Ord. No. 8-2012]**
- (2) Personal wireless telecommunications facility not to exceed 120 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**

B. Permitted accessory uses shall be:

- (1) As specified in § 225-35B.
- (2) A single dwelling unit or apartment dwelling unit, provided that the same is physically attached to the principal building on the subject premises.
- (3) Personal wireless telecommunications equipment facility not to exceed 15 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**

C. Area, yard and building requirements shall be as specified in § 225-7.

D. Permitted modifications and conditional uses shall be:

- (1) Gasoline filling stations, mixed retail sale and gasoline filling stations subject to additional standards set forth in § 225-71. **[Amended 4-11-2012 by Ord. No. 8-2012]**

E. Other requirements shall be:

- (1) Same as § 225-35E(1) and (2).

**§ 225-37. HB Highway Business District. [Amended 12-23-1980 by Ord. No. 47-1980; 12-28-1982 by Ord. No. 71-1982; 2-24-1993 by Ord. No. 9-1993]**

## A. Permitted principal uses shall be:

- (1) All those principal uses permitted in § 225-35A(1) through (6).
- (2) Warehouses and office buildings.
- (3) Furniture, furnishings and household appliance stores.
- (4) Commercial recreation facilities, including outdoor and indoor theaters, miniature golf and golf driving ranges, batting cages, bowling alleys, indoor soccer, skating rinks and other uses similar to those noted herein. **[Amended 7-14-1993 by Ord. No. 30-1993]**
- (5) Funeral homes.
- (6) Shopping centers.
- (7) Banks chartered under state or federal law, not including drive-in facilities.
- (8) Retail sales and retail services. **[Added 2-11-1998 by Ord. No. 4-1998]**
- (9) Personal wireless telecommunications facility not to exceed 120 feet in height. **[Added 3-14-2001 by Ord. No. 8-2001]**
- (10) Car wash. **[Added 10-11-2006 by Ord. No. 51-2006]**
- (11) Home improvement stores, including the sale of building materials and lumber. **[Added 2-13-2008 by Ord. No. 2-2008]**
- (12) Fast-food restaurants. **[Added 6-22-2011 by Ord. No. 22-2011]**
- (13) Drive-in banking facilities. **[Added 6-22-2011 by Ord. No. 22-2011]**
- (14) A public garage, new motor sales or leasing agency or used motor vehicle sales agency (provided that it is incidental to the sale of new motor vehicles). **[Added 2-12-2014 by Ord. No. 3-2014]**

## B. Permitted accessory uses shall be:

- (1) Uses and buildings customary and incidental to the principal use or building.
- (2) A single dwelling unit or apartment unit, provided that the same is physically attached to the principal building.
- (3) Personal wireless telecommunications equipment facility not to exceed 15 feet in height. **[Added 3-14-2001 by Ord. No. 8-2001]**

## C. Area, yard and building requirements shall be as specified in § 225-7.

## D. Permitted modifications and conditional uses shall be:

- (1) Gasoline filling stations; mixed retail sales and gasoline filling stations subject to additional standards set forth in § 225-71. **[Added 4-11-2012 by Ord. No. 8-2012]**
- (2) <sup>6</sup>Arcades subject to the following special requirements:

- (a) There shall be 60 square feet of operating area for each machine. The calculation of the operating area shall exclude any area of the premises which is used for other purposes, such as for eating, toilet facilities, and other uses not directly associated with or essential to the amusement machines, but shall include access and walkways primarily serving the machines.
  - (b) A minimum of 1,500 square feet of operating area.
  - (c) A maximum total number of 40 machines.
  - (d) Off-street parking at a ratio of one off-street space for each two licensed machines.
  - (e) Adequate special parking facilities for bicycles, mopeds and motorcycles as determined by the Planning Board as part of site plan review.
  - (f) No such enterprise shall be located closer than 1,000 feet to a primary or secondary school, measured door to door.
- (3) A used motor vehicle sales agency, subject to the condition that it involves the construction of a single new building of not less than 10,000 square feet. **[Amended 11-9-2005 by Ord. No. 57-2005; 12-13-2006 by Ord. No. 79-2006; 2-12-2014 by Ord. No. 3-2014]**
  - (4) A motel or hotel which furnishes sleeping accommodations for tourists or short-term transient guests only. Such uses shall not include rental units equipped with cooking or housekeeping facilities and shall be subject to the following conditions:
    - (a) Any motel or hotel that may be constructed shall contain a minimum of 20 units of accommodation, exclusive of any permanent, on-site superintendent's living quarters.
    - (b) Each unit of accommodation shall contain a minimum floor area of 250 square feet.
  - (5) All licensed cannabis businesses, as defined herein, are subject to the following special requirements: **[Added 7-21-2021 by Ord. No. 31-2021; amended 4-20-2022 by Ord. No. 14-2022]**
    - (a) No boundary perimeter of the business shall be located within 1,000 feet of a school, school facility, park and/or recreational facility.
    - (b) All facilities shall be located within enclosed heated and air-conditioned buildings and shall not be permitted in greenhouses, hoop houses, or outdoors.
    - (c) Drive-through facilities are prohibited.
    - (d) All facilities shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity anywhere on adjacent property,

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6. Editor's Note: Former Subsection D(2), regarding fast-food restaurants, was repealed 6-22-2011 by Ord. No. 22-2011. This ordinance also repealed Subsection D(5), regarding drive-in banking facilities, and redesignated former Subsection D(3), (4) and (6) as Subsection D(2), (3) and (4), respectively.

within public rights-of-way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building. Odor from the facility shall be monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township at a cost that shall be paid for by the licensed business.

- (e) To the extent not already required by the entity's state license, all sites must be equipped with security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of cannabis products. Footage must be maintained for the duration required under state law. All licensed facilities must provide the Egg Harbor Township Police Department with access to security footage immediately upon request by the Department.
- (f) Off-street parking shall be provided in accordance with the Egg Harbor Township Zoning Ordinance, as deemed sufficient by the members and professionals of the Township Planning/Zoning Board.

**§ 225-37.1. SHD Special Highway Development District. [Added 7-14-1993 by Ord. No. 30-1993; amended 3-14-2001 by Ord. No. 8-2001; 6-12-2002 by Ord. No. 35-2002]**

A. Permitted principal uses shall be:

- (1) All those principal uses permitted in the NB Zone.
- (2) Motels, as defined in this chapter.
- (3) Warehouses and office buildings.
- (4) Automotive repair and service uses.
- (5) New and used car sales dealers, provided that no outdoor storage for sale vehicles is located closer than 25 feet from the street line.
- (6) Furniture, furnishings and household appliance stores.
- (7) Resort recreation uses, limited to commercial swimming pools, miniature golf and golf driving ranges, campgrounds, bowling alleys and indoor theaters.
- (8) Gasoline filling stations; mixed retail sales and gasoline filling stations. **[Amended 4-11-2012 by Ord. No. 8-2012]**
- (9) Personal wireless telecommunications facility not to exceed 120 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**
- (10) Car wash. **[Added 10-11-2006 by Ord. No. 51-2006]**
- (11) Adult day health care facilities and assisted living facilities. **[Added 11-29-2017 by Ord. No. 35-2017]**

B. Permitted accessory uses shall be:



- (1) Uses and buildings customary and incidental to the principal use or building.
  - (2) A single dwelling unit or apartment unit, provided that the same is physically attached to the principal building.
  - (3) Personal wireless telecommunications equipment facility not to exceed 15 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modifications and conditional uses shall be: **[Amended 7-21-2021 by Ord. No. 31-2021]**
- (1) All Class 5 (Cannabis Retailer) and Class 6 (Cannabis Delivery) licensed cannabis businesses and medical cannabis dispensaries are subject to the following special requirements as specified in § 225-37D(5). **[Amended 4-20-2022 by Ord. No. 14-2022]**
- E. Other requirements shall be:
- (1) Same as § 225-35E.

**§ 225-38. RCD Regional Commercial Development District. [Amended 12-23-1980 by Ord. No. 47-1980; 8-12-1981 by Ord. No. 18-1981; 12-8-1982 by Ord. No. 71-1982; 3-11-1987 by Ord. No. 6-1987; 3-11-1992 by Ord. No. 8-1992; 2-24-1993 by Ord. No. 9-1993; 3-14-2001 by Ord. No. 8-2001; 6-12-2002 by Ord. No. 35-2002]**

- A. Permitted principal uses shall be:
- (1) Offices for business, professional and governmental purposes.
  - (2) Light industry where the only activity involved is one of the fabricating or the assembling of standardized parts as contrasted to a processing activity which would involve a physical or chemical process that would change the nature and/or character of the product and/or raw material.
  - (3) The wholesaling or retailing of goods and/or services, including the warehousing or storage of goods.
  - (4) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto, provided that no materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to said laboratory activities or are otherwise permitted in this zone.
  - (5) Education facilities, including commercial, private and public schools.
  - (6) Gasoline filling stations; mixed retail sales and gasoline filling stations. **[Amended 4-11-2012 by Ord. No. 8-2012]**
  - (7) Furniture, furnishings and household appliance stores.

- (8) A public garage, new motor sales or leasing agency or used motor vehicle sales agency (provided that it is incidental to the sale of new motor vehicles) or a used motor vehicle sales agency which involves the construction of a single new building of not less than 10,000 square feet. **[Amended 12-13-2006 by Ord. No. 79-2006]**
  - (9) Commercial recreation facilities, including outdoor and indoor theaters, miniature golf and golf driving ranges, batting cages, bowling alleys, indoor soccer, skating rinks and other uses similar to those noted herein.
  - (10) Funeral homes.
  - (11) Shopping centers.
  - (12) All uses permitted in the NB Zone.
  - (13) Personal wireless telecommunications facility not to exceed 120 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**
  - (14) Motels, as defined in this chapter. **[Added 6-8-2005 by Ord. No. 24-2005]**
  - (15) Home improvement stores, including the sale of building materials and lumber. **[Added 2-13-2008 by Ord. No. 2-2008]**
  - (16) Fast-food restaurants. **[Added 6-22-2011 by Ord. No. 22-2011]**
  - (17) Drive-in banking facilities. **[Added 6-22-2011 by Ord. No. 22-2011]**
  - (18) Adult day health care facilities and assisted living facilities. **[Added 11-29-2017 by Ord. No. 35-2017]**
- B. Permitted accessory uses shall be:
- (1) Uses and buildings customary and incidental to the principal use or building.
  - (2) Outdoor storage of materials incidental to such industrial uses as are permitted above, provided that the areas for such storage and the location and type of fencing used to separate them from other areas and screen them from view from public streets and from other nonindustrial uses as approved by the Planning Board during site plan review.
  - (3) A single dwelling unit or apartment dwelling unit, provided that the same is physically attached to the principal structure on the lot.
  - (4) Personal wireless telecommunications equipment facility not to exceed 15 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modifications and conditional uses:
- (1) <sup>7</sup>Arcades subject to the following special requirements:

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7. Editor's Note: Former Subsection D(1), regarding fast-food restaurants, was repealed 6-22-2011 by Ord. No. 22-2011. This ordinance also repealed former Subsection D(3), regarding drive-in banking facilities, and redesignated former Subsection D(2) as Subsection D(1).

- (a) There shall be 60 square feet of operating area for each machine. The calculation of the operating area shall exclude any area of the premises which is used for other purposes, such as for eating, toilet facilities, and other uses not directly associated with or essential to the amusement machines, but shall include access and walkways primarily serving the machines.
  - (b) A minimum of 1,500 square feet of operating area.
  - (c) A maximum total number of 40 machines.
  - (d) Off-street parking at a ratio of one off-street space for each two licensed machines.
  - (e) Adequate special parking facilities for bicycles, mopeds and motorcycles as determined by the Planning Board as part of site plan review.
  - (f) No such enterprise shall be located closer than 1,000 feet to a primary or secondary school, measured door to door.
- E. Other requirements shall be:
- (1) Traffic control. Only one access driveway to a public right-of-way is permitted for every 150 feet of lot frontage on said right-of-way, with a maximum of three access roads on any one public right-of-way, and shall be at least 50 feet from any property line and 100 feet from the intersection of any public roads. Measurements shall be made from the center line of the road(s) in question.
  - (2) Buffer area. A buffer area not less than 50 feet in width shall be required along any residential zone boundary line tangent or crossing lands in an RCD District, except when adjoining property in the residential zone is used for nonresidential purposes. In addition, the periphery that requires a buffer shall consist of a landscaped area with at least five-foot-high growth. All buffer areas shall be planted and maintained with either grass or ground cover, together with a screen of live shrubs or scattered plantings of live trees, shrubs or other plant materials meeting the following requirements:
    - (a) The preservation of all natural wooded tracts, provided that the growth is of a density and the area has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an effective buffer, said plantings may be required.
    - (b) Plant materials used in screen planting shall be at least three feet in height when planted and shall be of such density as will obscure the glare of automobile headlights emitted from the premises.
    - (c) The screen planting shall be placed so that at maturity it will not be closer than three feet from any street line or property line.
    - (d) Trees shall be at least five feet in height when planted and be of balled, burlapped nursery stock and be free of insect and disease.
    - (e) Any plant material which does not live shall be replaced within one year or one growing season.

- (f) Screen plantings and landscaping shall be broken at points of vehicular and pedestrian ingress and egress to assure a clear sight triangle at all street and driveway intersections.

- (3) Other requirements, as specified in § 225-35E.

**§ 225-39. MC Marine Commercial District. [Amended 12-8-1982 by Ord. No. 71-1982]**

The intent and purpose of the Marine Commercial Zone is to provide and encourage the development of waterfront facilities for recreational purposes and thereby provide for public access to the vast Egg Harbor waterfront area. The district is not to be construed nor is it intended to include year-round occupied residential facilities as permitted uses.

A. Permitted principal uses shall be:

- (1) New and used boat sales.
- (2) Marinas as defined in this chapter.
- (3) Buildings for the storage, repair and construction of boats, but excluding boats designed and/or used as permanent residential facilities.
- (4) Marine supply shops.
- (5) Personal wireless telecommunications facility not to exceed 120 feet in height. **[Added 3-14-2001 by Ord. No. 8-2001]**

B. Permitted accessory uses shall be uses and buildings customary and incidental to the principal use or building, including but not limited to:

- (1) Outdoor winter storage boatyards and buildings for indoor storage of boats.
- (2) Retail sales of boating and fishing equipment.
- (3) A single-family dwelling or apartment dwelling unit, provided that no more than two such units shall be permitted per lot.
- (4) Restaurant to a marina as defined by this chapter, except that such use shall be limited to 10% of the total floor area of the principal building(s) on the lot or 2,500 square feet of floor area, whichever the lesser.
- (5) Personal wireless telecommunications equipment facility not to exceed 15 feet in height. **[Added 3-14-2001 by Ord. No. 8-2001]**

C. Area, yard and building requirements, as specified in § 225-7.

D. Permitted modifications and conditional uses: none.

E. Other requirements shall be:

- (1) A buffer strip of 25 feet in width shall be required along all property lines. The buffer strip shall consist of fencing, landscaping, earthen mounds or any combination of such. Buffer shall not apply to bulkheads, boat slips, docks, piers and mooring piles

waterward of the mean high waterline. **[Amended 10-12-2005 by Ord. No. 55-2005]**

- (2) All principal buildings shall be set back a minimum of 25 feet from any bulkhead. This shall not supersede other zoning setback requirements if they require a greater setback. **[Added 3-11-1987 by Ord. No. 6-1987]**

F. Prohibited uses. Notwithstanding any prohibition or regulation set forth in this chapter or other ordinances of Egg Harbor Township, the following uses are specifically prohibited:

- (1) Dance halls, discos, nightclubs and similar, wherein such facilities are open to the general public.
- (2) Bars, inns and taverns and similar, wherein such facilities are open to the general public.

**§ 225-40. M-1 Light Industrial District and R-I Restricted Industrial District. [Amended 8-12-1981 by Ord. No. 18-1981; 12-8-1982 by Ord. No. 71-1982; 3-11-1987 by Ord. No. 6-1987; 2-24-1993 by Ord. No. 9-1993; 12-23-1996 by Ord. No. 42-1996; 3-14-2001 by Ord. No. 8-2001; 6-12-2002 by Ord. No. 35-2002; 5-28-2008 by Ord. No. 19-2008; 11-25-2008 by Ord. No. 48-2008]**

The M-1 and R-I Districts shall be differentiated one from the other by intensity and class of permitted uses as set forth below. The M-1 District shall include all uses enumerated. The R-I District shall permit only those uses set forth in Subsection A(1) through (6), (10 and (19), all accessory and conditional uses.

A. Permitted principal uses shall be:

- (1) Manufacturing of light machinery, such as small machine parts, typewriters, calculators and other office machines.
- (2) Fabrication of metal and wood products, such as baby carriages, bicycles, metal foil, metal furniture, musical instruments, sheet metal products and toys, boxes, cabinets and woodworking and furniture.
- (3) Fabrication of paper products, such as bags, book binding, boxes and packaging materials, office supplies and toys.
- (4) Business offices.
- (5) Research laboratories comprising any of the following: biological, chemical, dental, electronic, pharmaceutical and general.
- (6) The warehousing and storage of goods.
- (7) Other permissible industry, comprising any of the following: brush and broom manufacturing, plastic products, utility company installations, excepting power generating facilities, electronic products, farm machinery, glass products manufacturing, jewelry manufacturing, including gem polishing, leather goods manufacturing (except curing, tanning and finishing of hides), motion-picture exchange, pharmaceutical products manufacturing, photo finishing, pottery and ceramic products manufacturing and thread and yarn manufacturing. **[Amended 6-8-2005 by Ord. No.**

**25-2005]**

- (8) In addition to the above listed uses, any industrial use not inconsistent with the above may be permitted, provided that at no time shall any use permitted in this section cause or result in:
    - (a) Dissemination of dust, smoke, smog, observable gas, fumes or odors or other atmospheric pollution, noise, glare or vibration beyond the boundaries of the lot on which the creator of the condition is located.
    - (b) Hazard of fire or explosion or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site of the use.
  - (9) Farms, as defined by this chapter, including one single dwelling unit as detailed.
  - (10) Retail services, retail and wholesale sales.
  - (11) Commercial recreation.
  - (12) Hotels and conference centers.
  - (13) Education facilities, including commercial, private and public schools.
  - (14) Bulk laundry processing.
  - (15) Auction houses.
  - (16) Branch banks, including drive-in banking facilities. **[Amended 3-10-2004 by Ord. No. 11-2004]**
  - (17) Casino gaming equipment assembly, manufacturing, sales and service.
  - (18) Mail, cargo and freight delivery and distribution facilities.
  - (19) Personal wireless telecommunications facility not to exceed 120 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**
- B. Permitted accessory uses shall be:
- (1) Uses and buildings customary and incidental to the principal use or building.
  - (2) Private garages.
  - (3) Cafeterias.
  - (4) Customary and conventional farm accessory uses not otherwise prohibited in this chapter.
  - (5) Day care when established as an integral component of a principal use permitted in this district.
  - (6) Personal wireless telecommunications equipment facility not to exceed 15 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**

- C. Area, yard and building requirements, as specified in § 225-7.
- D. Permitted modifications and conditional uses shall be:
- (1) Industrial and office parks as specified in §§ 225-70 and § 225-70.1.
  - (2) Vehicle repair subject to the special requirements in § 225-37D(3). **[Amended 7-19-2017 by Ord. No. 25-2017]**
  - (3) Used auto sales and service subject to the special requirements in § 225-37D(3). **[Amended 7-19-2017 by Ord. No. 25-2017]**
  - (4) Towing and storage of motor vehicles subject to the special requirements of § 225-71.1.
  - (5) Power generating facilities provided on a lot of 25 acres or more with a lot width of 1,000 feet or more. **[Added 6-8-2005 by Ord. No. 25-2005]**
  - (6) Ground-mounted solar arrays subject to the following special requirements: **[Added 11-6-2019 by Ord. No. 31-2019]**
    - (a) The following area, yard and building requirements shall be met:
      - [1] Minimum lot area: 20 acres;
      - [2] Minimum lot width: 600 feet;
      - [3] Maximum height: 15 feet;
      - [4] Front yard setback: 50 feet;
      - [5] Rear yard setback: 20 feet; and
      - [6] Side yard setback: 20 feet.
    - (b) A minimum fifty-foot landscaped buffer designed in accordance with § 94-22C shall be provided between the solar array and any publicly dedicated road or highway and along the common property line of any existing residence, any zone which permits residential uses and any existing low-intensity recreational facility or campground.
    - (c) Should the development of new or expansion of existing on-site or off-site infrastructure be necessary to accommodate the solar energy facility, clearing shall be limited to that which is necessary to accommodate the use in accordance with N.J.A.C. 7:50-6.23. New rights-of-way shall be limited to a maximum width of 20 feet, unless additional width is necessary to address specific safety or reliability concerns.
    - (d) Any solar energy facility shall be decommissioned within 12 months of the cessation of its utilization. Decommissioning shall include:
      - [1] Removal of all energy facilities, structures and equipment, including any subsurface wires and footings, from the parcel;

- [2] Restoration of the parcel in accordance with N.J.A.C. 7:50-6.24, unless restoration is unnecessary because the parcel is to be put into active agricultural use or approved for development in accordance with the certified local ordinance within that twelve-month period; and
  - [3] Any other measures necessary to address ecological and visual impacts associated with the solar energy facility, including the removal of off-site infrastructure and restoration of affected lands.
- (7) All licensed cannabis businesses are subject to the following special requirements: **[Added 7-21-2021 by Ord. No. 31-2021; amended 4-20-2022 by Ord. No. 14-2022]**
- (a) As specified in § 225-37D(5).
  - (b) For any licensed cultivation, processing, manufacturing, or similar operation, the facility shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading, and other noise-generating equipment or machinery. All licensed facilities must operate within applicable state decibel limitations.
- E. Other requirements shall be:
- (1) Same as § 225-38E, inclusive.

**§ 225-40.1. Affordable Housing Overlay Zone A (AHO – A). [Added 6-10-2009 by Ord. No. 23-2009]**

- A. Intent. The Planning Board has adopted a housing element and fair share plan element of the Master Plan that recommends that the area in question be utilized for one-hundred-percent affordable housing.
- B. Purpose. The purpose of the AHO-A is to establish an option to develop an industrial zoned area into a one-hundred-percent affordable housing development when said uses can be adequately serviced by the sanitary sewer system.
- C. Zoning created. There is created an AHO – A Overlay Zoning District. The following areas shall comprise the AHO – A Overlay Zoning District: Block 1029, Lots 1, 2, 3, 4, part of 5.01 and 34.
- D. Permitted principal uses shall be:
  - (1) One-hundred-percent affordable multifamily attached housing developments.
- E. Permitted accessory uses shall be:
  - (1) Public and private parking;
  - (2) Clubhouse, playground or other recreational amenities normally associated with the principal residential use;
  - (3) Rental and/or administrative offices accessory to the principal residential use; and



- (4) Other uses and structures customarily incidental to a principal permitted use.
- F. Area, yard and building requirements, as specified in § 225-7.
- G. Conditional uses.
  - (1) Public uses; and
  - (2) Essential services.
- H. Other requirements shall be:
  - (1) All uses must be serviced by public water and public sanitary sewers;
  - (2) Thirty percent of the gross lot area excluding stormwater management basins must be for common open space; and
  - (3) A buffer strip of 25 feet in width shall be required along all property lines. [**Amended 6-24-2015 by Ord. No. 20-2015**]

**§ 225-41. General Commercial (GC). [Added 2-24-1993 by Ord. No. 9-1993; amended 7-14-1993 by Ord. No. 30-1993; 3-14-2001 by Ord. No. 8-2001; 6-12-2002 by Ord. No. 36-2002 8-14-2002 by Ord. No. 48-2002; 11-13-2002 by Ord. No. 72-2002]**

- A. Permitted principal uses shall be:
  - (1) Manufacturing of light machinery, such as small machine parts, typewriters, calculators and other office machines.
  - (2) Fabrication of metal and wood products, such as baby carriages, bicycles, metal foil, metal furniture, musical instruments, sheet metal products and toys, boxes, cabinets and wood working and furniture.
  - (3) Fabrication of paper products, such as bags, book binding, boxes and packaging materials, office supplies and toys.
  - (4) The warehousing and storage of goods, including mini-warehouse and self-storage facilities.
  - (5) Retail services, retail and wholesale sales.
  - (6) Commercial recreation.
  - (7) Hotels, motels and conference centers.
  - (8) Education facilities, including commercial, private and public schools.
  - (9) Branch banks, including drive-in banking facilities. [**Amended 3-10-2004 by Ord. No. 11-2004**]
  - (10) Personal service establishments limited to shoe shops, laundries, barbershops, beauty parlors, hardware shops and drug stores.

- (11) Medical, professional and business offices.
- (12) Restaurants, including fast-food restaurants. **[Amended 6-22-2011 by Ord. No. 22-2011]**
- (13) Convenience food stores, food markets, delicatessens and bakeries.
- (14) Auction houses.
- (15) Casino gaming equipment assembly, manufacturing, sales and service.
- (16) Mail, cargo and freight delivery and distribution facilities.
- (17) Research laboratories limited to electronics, pharmaceutical, experimental and testing
- (18) Other permissible manufacturing/fabrication, comprising any of the following: brush and broom manufacturing, electronic products, farm machinery, glass products, pharmaceutical products, photo finishing, pottery and ceramic products and thread and yarn manufacturing. In addition, any manufacturing/fabrication use not inconsistent with the specifically permitted uses are permitted, provided that the use does not produce any hazard from fire or explosion and does not result in any result in the dissemination of dust, smoke, smog, observable gas, fumes or odors or other atmospheric pollution, noise, glare, or vibration beyond the boundaries of the lot on which the creator of the condition is located.
- (19) Personal wireless telecommunications facility not to exceed 120 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**

B. Permitted accessory uses shall be:

- (1) Uses and buildings customary and incidental to the primary use or building.
- (2) Day care when established as an integral component of a principal use permitted in the district.
- (3) Cafeterias.
- (4) Private garages.
- (5) Personal wireless telecommunications equipment facility not to exceed 15 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**

C. Area, yard and building requirements shall be as specified in § 225-7.

D. Permitted modifications and conditional uses:

- (1) Industrial and office parks as specified in §§ 225-70 and 225-70.1.
- (2) Gasoline filling stations subject to § 225-71.
- (3) New auto sales and used auto sales and vehicle repair incidental thereto subject to § 225-37D(3).<sup>8</sup> **[Amended 7-19-2017 by Ord. No. 25-2017]**

- (4) All licensed cannabis businesses are subject to the special requirements as specified in § 225-40D(7). **[Added 7-21-2021 by Ord. No. 31-2021; amended 4-20-2022 by Ord. No. 14-2022]**

E. Other requirements shall be:

- (1) Landscape and buffer requirements as specified in §§ 94-8 and 94-22 of the Township Code.
- (2) Transition or buffer area requirement. A landscaping buffer strip of 20 feet in width shall be installed along any common property line of a lot in the GC Zone and residential zones, except that when the adjoining lot in, the residential zone is used for nonresidential purposes, no buffer strip shall be required.

**§ 225-42. Auto Services Overlay District. <sup>9</sup> [Added 11-13-1996 by Ord. No. 38-1996]**

A. Permitted uses. Principal uses permitted within the Auto Services Overlay District subject to site plan approval shall be:

- (1) Auto body and auto repair, including engine, brake and transmission repairs, which do not sell gasoline.
- (2) Wholesale and retail sales of automobiles and auto parts displayed out of doors in accordance with a site plan approved by the Planning Board.
- (3) Personal wireless telecommunications facility (PWTF) and personnel wireless telecommunications equipment facility (PWTEF). **[Added 3-14-2001 by Ord. No. 8-2001]**

B. Bulk and area standards. The following bulk and area standards shall apply:

<b>Standard</b>	<b>Required</b>
Minimum lot area	30 acres
Minimum lot width	300 feet
Minimum setbacks	
Front	50 feet
Side	30 feet
Rear	30 feet
Maximum building height	30 feet
Maximum impervious	35%
Minimum floor area	1,500 square feet

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8. Editor's Note: Former Subsection D(4), regarding fast-food restaurants, which immediately followed this subsection, was repealed 7-19-2017 by Ord. No. 25-2017.

9. Editor's Note: Former § 225-42, PO-1 Professional Office District, was renumbered 7-14-1993 by Ord. No. 30-1993 as § 225-42.1.

<b>Standard</b>	<b>Required</b>
PWTF [Added 3-14-2001 by Ord. No. 8-2001]	120 feet
PWTEF [Added 3-14-2001 by Ord. No. 8-2001]	15 feet

C. Design and performance standards. The following design and performance standards shall apply:

- (1) All repair activities must be conducted within a fully enclosed building.
- (2) All lifts and other equipment must be located within a fully enclosed building.
- (3) Any motor vehicle awaiting repair may be located on the premises, provided that said vehicle is located in the rear or side yard and is screened from view such that no stored vehicle is visible from the front of the premises or from any adjacent premises.
- (4) No goods shall be displayed, stored or sold within 50 feet of a lot line or within required off-street parking or loading areas.
- (5) No goods shall be displayed in such a manner which will impede fire-fighting or other emergency equipment access to any structure.
- (6) A landscape strip or landscape buffer a minimum of 25 feet in width, designed in accordance with § 94-22C of the Township Code, shall be provided adjacent to each lot line.
- (7) The site plan shall provide details and show the exact location of all existing and proposed structures, fences, signs, light standards, landscaping, parking spaces and the area to be utilized for the storage of motor vehicles.
- (8) Access driveways.
  - (a) The minimum distance between any access driveways and a residence district or parcel used for residential purposes is 50 feet.
  - (b) The minimum distance from adjoining property lines is 10 feet.
  - (c) The minimum distance from minor intersections is 30 feet. Where intersecting streets are major or minor arterials as defined in the Master Plan, the minimum distance under this section shall be 50 feet. This distance shall be measured from the right-of-way lines of the intersecting streets involved.
  - (d) The minimum distance between access driveways located on the subject premises shall be 30 feet.
  - (e) No access shall be permitted through a residential area.
  - (f) There shall be a maximum of two access points for ingress and egress on the subject premises.

- (9) Unless the property owner possesses a valid municipal junkyard license for the subject premises, wrecked or junked or stripped vehicles or vehicles in an inoperative condition shall not be permitted on the premises for a period of more than 30 days.

**§ 225-42.1. PO-1 Professional Office District. [Added 2-24-1993 by Ord. No. 9-1993; amended 3-14-2001 by Ord. No. 8-2001; 6-12-2002 by Ord. No. 36-2002; 11-13-2002 by Ord. No. 72-2002]**

A. Permitted principal uses shall be:

- (1) Offices for business, professional and governmental purposes.
- (2) Administrative offices of commercial and industrial partnerships, companies or corporations, provided that the following requirements are met:
  - (a) No sales of retail or wholesale nature shall be permitted on the premises.
  - (b) No warehousing or storage of materials or equipment, including the storage of vehicles, other than the incidental storage of office supplies or records, shall be permitted on the premises.
- (3) Wholesaling, warehousing and distributing, excluding retail or wholesale sale of lumber, ice, coal, petroleum, quarried or mined material or similar bulk materials.
- (4) Branch banks, including drive-in banking facilities. **[Amended 3-10-2004 by Ord. No. 11-2004]**
- (5) Restaurants, not including fast-food restaurants.
- (6) Indoor athletic and recreational facilities.
- (7) Personal wireless telecommunications facility not to exceed 120 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**

B. Permitted accessory uses shall be:

- (1) Uses and buildings customary and incidental to the principal use or building.
- (2) Recreational facilities and cafeterias provided for employees when integrated into a planned office development incidental to the primary office use.
- (3) Security watch stations which may contain cooking and sleeping accommodations when integrated and incorporated into the primary building.
- (4) Repair facilities for the maintenance of vehicles used in the operation of a primary use.
- (5) Storage garages for vehicles used in the operation of the primary use.
- (6) Personal wireless telecommunications equipment facility not to exceed 15 feet in height. **[Added 5-14-2003 by Ord. No. 20-2003]**

C. Area, yard and building requirements shall be as specified in § 225-7.

- D. Permitted modifications and conditional uses shall be:
- (1) Office parks pursuant to the special requirements in § 225-70.1.
- E. Site plan review. Site plan review shall be pursuant to Chapter 198 of the Code of the Township of Egg Harbor.
- F. Parking area requirements. Parking area requirements shall be pursuant to Article VII of this chapter.
- G. Buffer requirements. Buffer requirements shall be pursuant to Chapter 94 of the Code of the Township of Egg Harbor.
- H. Lighting requirements. Lighting requirements shall be pursuant to Chapter 94 of the Code of the Township of Egg Harbor.
- I. Landscaping requirements. Landscaping requirements shall be pursuant to Chapter 94 of the Code of the Township of Egg Harbor.
- J. Signs. Signs shall be regulated pursuant to Article VIII of this chapter.

**§ 225-42.2. (Reserved)<sup>10</sup>**

**§ 225-43. RP Recreation Park District. [Added 7-14-1993 by Ord. No. 30-1993<sup>11</sup>]**

- A. Permitted principal uses shall be:
- (1) Golf course.
  - (2) Commercial recreation.
  - (3) Municipal parks, playgrounds and other such municipal buildings and uses as are deemed appropriate and necessary by the Township Committee.
  - (4) Personal wireless telecommunications facility not to exceed 120 feet in height. **[Added 3-14-2001 by Ord. No. 8-2001]**
- B. Permitted accessory uses shall be:
- (1) Uses and building customary and incidental to the principal use or building.
  - (2) Personal wireless telecommunications equipment facility not to exceed 15 feet in height. **[Added 3-14-2001 by Ord. No. 8-2001]**
- C. Area, yard and building requirements shall be as specified in § 225-7 of this chapter.
- D. Permitted modifications and conditional uses shall be: none.
- E. Site plan review. Site plan review shall be pursuant to Chapter 198 of the Township Code.

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10. Editor's Note: Former § 225-42.2, PO-2 Professional Office District, added 2-24-1993 by Ord. No. 9-1993, as amended, was repealed 6-12-2002 by Ord. No. 36-2002; 11-13-2002 by Ord. No. 72-2002.

11. Editor's Note: This ordinance also renumbered former § 225-43, PO-2 Professional Office District, as § 225-42.2.

- F. Parking area requirements. Parking requirements shall be pursuant to Article VII of this chapter.
- G. Buffer requirements. Buffer requirements shall be pursuant to § 94-8 of the Township Code.
- H. Lighting requirements. Lighting requirements shall be pursuant to § 94-23 of the Township Code.
- I. Landscaping requirements. Landscaping requirements shall be pursuant to § 94-22 of the Township Code.
- J. Signs. Signs shall be pursuant to Article VIII of this chapter.

**§ 225-44. RG-1 Residential District. [Added 2-24-1993 by Ord. No. 9-1993; amended 7-14-1993 by Ord. No. 30-1993; 4-25-2001 by Ord. No. 14-2001; 6-12-2002 by Ord. No. 36-2002; 11-13-2002 by Ord. No. 72-2002]**

- A. Permitted principal uses shall be:
  - (1) Farming.
  - (2) Single-family detached dwellings.
  - (3) Public parks, playgrounds, active and passive recreation.
- B. Permitted accessory uses shall be:
  - (1) Uses customary and incidental to the principal uses.
  - (2) Professional home offices, provided that not more than 25% of the gross floor area of the principal building is used for office purposes.
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modifications and conditional uses shall be:
  - (1) Home occupations subject to the following conditions:
    - (a) The gross floor area devoted to the home occupation use shall not exceed 50% of the total gross floor area of the residence.
    - (b) Off-street parking shall be provided for the home occupation in addition to the spaces required in Article VII of this chapter, provided that no more than two additional spaces are provided.
    - (c) No more than one nonresident employee shall be permitted.
    - (d) No goods, materials, supplies or items of any kind may be delivered either to or from the premises, except in a passenger vehicle owned by the resident.
    - (e) No client, customer, patient or patron shall be permitted to be upon the premises for business or professional purposes.

- (f) No retail or wholesale of products or materials shall be permitted on the premises.
  - (g) A certificate of occupancy shall be required for the floor area devoted to the home occupation.
  - (h) No sign identifying or advertising the home occupation shall be permitted.
  - (i) Minimum lot size: one acre.
  - (j) Minimum parking setbacks: 35 feet from any county right-of-way; 25 feet from a residential zone; 20 feet from a municipal right-of-way or rear property line; and zero feet where cross easements for parking are maintained.
  - (k) The Planning Board may impose more restricted conditions or any further reasonable conditions to the effect of noise, traffic movement and volume, lighting and/or intensity of such conditional activities on adjacent land uses and may require a sufficient guaranty to ensure compliance with such restrictions or conditions.
  - (l) All utilities shall be located underground.
  - (2) (Reserved)<sup>12</sup>
  - (3) Public and private schools, churches, chapels, synagogues or similar houses of worship subject to § 225-46D(2). **[Added 6-9-2004 by Ord. No. 31-2004]**
- E. Maximum density. The density of housing in any development hereafter constructed shall be not more than one dwelling unit per one acre, unless a transfer of Pinelands development credits is applied, in which case the density shall not be greater than 1.50 dwelling units per one acre. **[Amended 5-30-2012 by Ord. No. 22-2012; 2-27-2013 by Ord. No. 4-2013]**

**§ 225-45. RG-2 Residential District. [Added 2-24-1993 by Ord. No. 9-1993; amended 4-25-2001 by Ord. No. 14-2001; 6-12-2002 by Ord. No. 36-2002; 11-13-2002 by Ord. No. 72-2002]**

A. Permitted principal uses shall be:

- (1) Farming.
- (2) Single-family detached dwellings.
- (3) Public parks, playgrounds, active and passive recreation.

B. Permitted accessory uses shall be:

- (1) Uses customary and incidental to the principal uses.
- (2) Professional home offices, provided that not more than 25% of the gross floor area of the principal building is used for office purposes.

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12. Editor's Note: Former Subsection D(2), Planned adult communities pursuant to § 225-73, was repealed 3-24-2004 by Ord. No. 14-2004.



- C. Area, yard and building requirement shall be as specified in § 225-7.
- D. Permitted modifications and conditional uses shall be:
- (1) Home occupations pursuant to § 225-44D(1)
  - (2) Planned adult communities pursuant to § 225-73.
  - (3) Cluster development subject to the following conditions:
    - (a) The minimum wetlands area of the site must be 20% of the gross acreage.
    - (b) The minimum open space requirement (inclusive of all wetland areas and buffers) must be 25% of the gross acreage.
    - (c) The minimum lot size must be 12,000 square feet.
    - (d) If Pinelands development credits are used to increase density in accordance with § 225-45E, no lot shall be reduced in area below 7,500 square feet.
  - (4) Public and private schools, churches, chapels, synagogues or similar houses of worship subject to § 225-46D(2). **[Added 6-9-2004 by Ord. No. 31-2004]**
- E. Maximum density. The density of housing in any development hereafter constructed shall be not more than two dwelling units per one acre, unless a transfer of Pinelands development credits is applied, in which case the density shall not be greater than three dwelling units per one acre. **[Amended 5-30-2012 by Ord. No. 22-2012; 2-27-2013 by Ord. No. 4-2013]**

**§ 225-46. RG-3 Residential District. [Added 2-24-1993 by Ord. No. 9-1993; amended 4-25-2001 by Ord. No. 14-2001; 6-12-2002 by Ord. No. 36-2002; 11-13-2002 by Ord. No. 72-2002]**

- A. Permitted principal uses shall be:
- (1) Single-family detached dwellings.
  - (2) Public parks, playgrounds, active and passive recreation.
  - (3) Two-family dwellings.
- B. Permitted accessory uses shall be:
- (1) Uses customary and incidental to the principal uses.
  - (2) Professional home office, provided that not more than 25% of the gross floor area of the principal building is used for office purposes.
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modification and conditions uses shall be:
- (1) Home occupations pursuant to § 225-44D(1).
  - (2) Public and private schools, churches, chapels, synagogues or similar houses of worship,

provided that the following conditions are met:

- (a) Minimum lot size: one acre.
  - (b) Minimum parking setbacks: 35 feet from any county right-of-way; 25 feet from a residential zone; 20 feet from a municipal right-of-way or rear property line; and zero feet where cross easements for parking are maintained.
  - (c) The Planning Board may impose more restrictive conditions or any further reasonable conditions to the effect of noise, traffic movement and volume, lighting and/or intensity of such conditional activities on adjacent land uses and may require a sufficient guarantee to ensure compliance with such restrictions or conditions.
  - (d) All utilities shall be located underground.
- (3) Planned adult communities pursuant to § 225-73. **[Added 3-24-2004 by Ord. No. 14-2004]**
- E. Maximum density. The density of housing in any development hereafter constructed shall be not more than three dwelling units per one acre, unless a transfer of Pinelands development credits is applied, in which case the density shall not be greater than 4.50 dwelling units per one acre. **[Amended 5-30-2012 by Ord. No. 22-2012; 2-27-2013 by Ord. No. 4-2013]**
  - F. Site plan review. All development pursuant to § 225-46D(2) shall be subject to Chapter 198 of the Code of the Township of Egg Harbor.
  - G. Subdivision review. All development pursuant to § 225-46A and B shall be subject to Chapter 198 of the Code of the Township of Egg Harbor.
  - H. Parking area requirements. All development shall be subject to Article VII of this chapter.
  - I. Buffer requirements. All development pursuant to § 225-46D(2) shall be subject to § 94-8 of the Code of the Township of Egg Harbor.
  - J. Lighting requirements. All development pursuant to § 225-46D(2) shall be subject to § 94-23 of the Code of the Township of Egg Harbor.
  - K. Landscaping requirements. All development pursuant to § 225-46D(2) shall be subject to § 94-22 of the Code of the Township of Egg Harbor.
  - L. Signs. All development pursuant to § 225-46D(2) shall be subject to Article VIII of this chapter.

**§ 225-46.1. Affordable housing requirements for RG-4 and RG-5 Residential Districts. [Added 4-18-2018 by Ord. No. 12-2018]**

A. Purpose.

- (1) The Township of Egg Harbor uses its zoning code to meet affordable housing needs by requiring residential development in certain districts in the Pinelands area of the Township to provide affordable housing, as is required by the New Jersey Fair Housing

Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Fair Housing Act"). Consistent with Section 329.9 of the Fair Housing Act, this section requires all residential development within the RG-4 and RG-5 zoning districts to provide a 20% affordable housing set-aside.

- (2) It is the specific purpose and intent of this section to meet affordable housing requirements required by Section 329.9 of the Fair Housing Act, in the RG-4 and RG-5 districts of the Pinelands area of the Township. This section also implements Section 8 of the settlement agreement between the Township of Egg Harbor and Fair Share Housing Center (hereinafter "FSHC") in the case entitled In the Matter of the Application of the Township of Egg Harbor, County of Atlantic, Docket No: ATL-L-1506-15. The settlement agreement was entered into between the parties on August 16, 2017, and was approved by the Court during a properly noticed Fairness Hearing held on October 17, 2017, which was later memorialized by an order entered by the Court on November 27, 2017.

**B. Applicability.**

- (1) This subsection of the land use regulations of Egg Harbor Township sets forth mechanisms by which developers shall provide affordable housing based on residential development taking place within certain Pinelands Areas of Egg Harbor Township.
- (2) Residential development. Except as exempted in Subsection C, all residential development in the RG-4 and RG-5 districts of the Township that results in the construction of new market-rate dwelling units shall be subject to the provisions of this section.

**C. Exemption.** Residential development that has received preliminary or final approval before the effective date of this section shall not be required to comply with this section unless the approvals expire, or approvals related to the development are amended to reflect a substantial change to the general terms and conditions on which preliminary approval was granted, including but not limited to use; layout of streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and, in the case of a site plan, any conditions peculiar to site plan approval.

**D. Definitions.** The following terms, as used in this section, shall have the following meanings:

**AFFORDABLE** — A sales price or rent within the means of a very-low, low- or moderate-income household as defined in N.J.A.C. 5:80-26.2 and the Fair Housing Act.

**AFFORDABLE HOUSING DEVELOPMENT** — A development included in the Township of Egg Harbor's Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100%-affordable development.

**COAH** — The New Jersey Council on Affordable Housing.

**DCA** — The New Jersey Department of Community Affairs.

**DEVELOPER** — Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed

development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT** — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

**FAIR HOUSING ACT** — The New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

**HOUSING UNIT** — A house, apartment, room or group of rooms occupied or intended to be occupied by a household living independently of other households. The term shall also mean and include a unit occupied or intended to be occupied by a household in an alternative living arrangement.

**JUDGMENT OF COMPLIANCE AND REPOSE or JOR** — An order entered by the Superior Court approving a municipality's Housing Element and Fair Share Plan after a properly noticed compliance hearing is held, which also provides immunity from all Mount Laurel lawsuits, including builder's remedy lawsuits, for a certain period of time from the entry of the JOR.

**LOW-INCOME HOUSING** — Housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

**MODERATE-INCOME HOUSING** — Housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located.

**SET-ASIDE** — The percentage of housing units devoted to very-low-, low- and moderate-income households within an inclusionary development.

**UHAC** — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

**VERY-LOW-INCOME HOUSING** — Housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30% or less of the median gross household income for households of the same size within the housing region in which the housing is located.

E. Residential provisions.

- (1) All residential development in the RG-4 and RG-5 zone districts that result in the construction of new residential housing units shall set-aside 20% of the new units for low- and moderate-income households. 50% of the low- and moderate-income units

shall be set aside for low-income households, including 13% of the low-income units for very-low-income households.

- (a) On-site affordable housing construction. Any developer of residential housing in the RG-4 and RG-5 zone districts proposing new residential development shall construct, on its site, a 20% affordable housing set-aside for low- and moderate-income households. 50% of the low- and moderate-income units shall be set aside for low-income households, including a 13% set-aside of the low-income units for very-low-income households. The 13% very-low-income requirement will not apply to developments that produce less than eight affordable units.

[1] As an example, if a residential developer seeks to construct five units, four of the units may be sold at market rate, and one unit must be designated as "affordable" for a low-income household.

[2] As an example, if a residential developer seeks to construct 20 units, 16 of the units may be sold at market rate, two units must be designated as "affordable" for moderate-income households, and two units must be designated as "affordable" for low-income households.

[3] As an example, if a residential developer seeks to construct 100 units, 80 of the units may be sold at market rate, 10 units must be designated as "affordable" for moderate-income households, seven units must be designated as "affordable" for low-income households, and three units must be designated as "affordable" for very-low-income households.

- (b) Densities. The Township's residential zoning across the Pinelands Regional Growth Area was based on the Pinelands Commission's requirements of 2.5 dwelling units per acre base density with an increase to a maximum of 3.75 dwelling units per acre through the acquisition of Pinelands Development Credits. The densities within the RG-4 and RG-5 zones, which exceed the base densities, are as follows:

<b>Zoning District</b>	<b>Density</b>
RG-4	6.0 du/acre
RG-5	7.5 du/acre

- (c) Pinelands Development Credit requirements. Pinelands Development Credits shall be required for 25% of all units in the RG-4 and RG-5 Zones, excluding those units which are made affordable for very-low-, low- and moderate-income households. One-quarter of a Pinelands Development Credit (i.e., one right) shall be purchased and redeemed for every four non-income restricted units, rounded up to the next highest increment of a quarter Pinelands Development Credit.
- (d) Application fees for municipal subdivision/site plan approvals. Application fees for Municipal Planning/Zoning Board approvals which provide affordable housing units shall be based on the nonincome restricted units only.

- (e) Example of the affordable housing, bonus density, application fees and Pinelands Development Credit requirements. As an example, if a residential developer seeks to develop on 10 acres in the RG-5 Zone the following would apply:

[1] Units permitted = 75 units.

[2] Number of affordable units required = 15 units.

[3] Units for which fees and Pinelands Development Credits are calculated = 60 market rate units.

[4] Application fees required:

[a] For subdivisions:

[i] Preliminary major subdivision:  $\$400 + 60 \text{ lots @ } \$30/\text{lot} = \$2,200.$

[ii] Final major subdivision:  $\$400 + 60 \text{ lots @ } \$30/\text{lot} = \$2,200.$

[b] For site plans:

[i] Preliminary major site plan:  $\$1,000 + 60 \text{ units @ } \$25/\text{unit} = \$2,500.$

[ii] Final major site plan: 50% of preliminary application fees =  $\$1,250.$

[5] Pinelands Development Credits required: 25% of 60 market rate units = 15 units or 3.75 PDCs.

F. General provisions for constructing affordable units.

- (1) Affordable housing units being constructed on-site shall be in conformance with the Fair Housing Act, all applicable COAH and UHAC regulations, the Township's Affordable Housing Ordinance, applicable settlement or development agreements, and any applicable court orders (including any JOR orders and JOR condition follow up orders). Such requirements shall include, but are not limited to, requirements regarding phasing schedule, controls on affordability, low-/moderate-income split, heating source, maximum rent and/or sales prices, affordability average, bedroom distribution, and affirmative marketing.
- (2) Projects which contain less than 20 total affordable units shall have the units dispersed throughout the developments and shall be located within buildings designed to be architecturally indistinguishable from the market-rate units otherwise being constructed within the development. Projects which contain 20 or more affordable units shall have the option of providing 100%-affordable buildings that meet the requirements for garden apartments at a location on-site. Regardless of how the units are provided, the scale, massing, roof pitch and architectural detailing (such as the selection of exterior materials, doors, windows, etc.) of the buildings containing the affordable housing units shall be similar to and compatible with that of the market-rate units.

G. Other regulations are as follows:

- (1) Every residential development applicant shall be required to submit a proposed

Affordable Housing Production Plan (AHPP) at the time the application is made. The AHPP shall be a condition of the "completeness" determination. Each AHPP shall be the subject of review for consistency with the Fair Housing Act, applicable COAH and UHAC regulations, the Township's Housing Element and Fair Share Plan, the Township's Affordable Housing Ordinance, applicable settlement and development agreements, court orders (including any JOR orders and JOR condition satisfaction orders), this section and such other rules and regulations as may be applicable. This review shall be conducted by the Township Planner and/or by such other person or entity as shall be designated to administer the Township's affordable housing matters.

- (2) The AHPP shall provide, at a minimum, the following items:
  - (a) Calculation of the affordable housing obligation resulting from the construction of residential units to be sold at market rate;
  - (b) Description of how the obligation shall be satisfied;
  - (c) Site plan and floor plan, the location of all market and affordable units; and
  - (d) The following information must be provided for each affordable unit:
    - [1] What income level the unit will be available to: moderate-income household, low-income household or very-low-income household;
    - [2] Whether the unit will be for-sale or for-rent; and
    - [3] Number of bedrooms.
- (3) The AHPP shall be approved by the Board hearing the development application. The Board shall consider the impacts of the proposal relative to its consistency with the Fair Housing Act, applicable COAH and UHAC regulations, the Township's Housing Element and Fair Share Plan, the Township's Affordable Housing Ordinance, applicable settlement and development agreements and any court orders (including any JOR orders and JOR condition satisfaction orders).
- (4) Compliance with the Fair Housing Act, applicable COAH and UHAC regulations, the Township's Housing Element and Fair Share Plan, the Township's Affordable Housing Ordinance, applicable settlement and development agreements, court orders (including any JOR orders and JOR condition satisfaction orders) with the approved AHPP shall be a condition of the Board's resolution of approval.
- (5) It shall be the developer's responsibility, at its sole cost and expense, to contract with an experienced entity for the initial and ongoing administration of the controls on affordability so as to ensure full compliance with the Fair Housing Act, applicable COAH and UHAC regulations, the Township's Housing Element and Fair Share Plan, the Township's Affordable Housing Ordinance, applicable settlement and development agreements and any court orders (including any JOR orders and JOR condition satisfaction orders). By February 1 of each year, the designated administrative entity shall file with the Township appointed administrative agent and the Township Clerk of the Township of Egg Harbor such certifications, reports and/or monitoring forms as will

be required by COAH or the court to verify the continuing compliance of each affordable unit with the aforementioned applicable rules, regulations, agreements and court orders. If such an administrative entity is not the same administrative agent utilized by the Township, said entity will cooperate with the Township's administrative agent and make all certifications, reports and/or monitoring forms available for review and approval upon request.

**§ 225-47. RG-4 Residential District. [Added 2-24-1993 by Ord. No. 9-1993; amended 7-14-1993 by Ord. No. 30-1993; 4-25-2001 by Ord. No. 14-2001; 6-12-2002 by Ord. No. 36-2002; 11-13-2002 by Ord. No. 72-2002; 4-18-2018 by Ord. No. 12-2018]**

A. Permitted principal uses shall be:

- (1) Single-family detached dwellings.
- (2) Public parks, playgrounds, active and passive recreation.
- (3) Two-family dwellings.
- (4) Single-family attached dwellings, provided that:
  - (a) Minimum tract size of three acres.
  - (b) No single-family attached dwellings will front on a public street.
  - (c) There should be a ten-foot-wide buffer area around the perimeter of the site.
  - (d) Adequate sight distances for entrance onto public roads is required.
  - (e) No more than eight single-family attached dwellings shall be contained in any one continuous structure.
  - (f) Public sewerage shall be provided.

B. Permitted accessory uses shall be:

- (1) Uses customary and incidental to the principal uses.
- (2) Professional home office, provided that not more than 25% of the gross floor area of the principal building is used for office purposes.

C. Area, yard and building requirements shall be as specified in § 225-7.

D. Permitted modifications and conditional uses shall be:

- (1) Home occupations subject to the conditions contained in § 225-44D(1).
- (2) Public and private schools, churches, chapels, synagogues or similar houses of worship subject to § 225-46D(2).
- (3) Planned adult communities pursuant to § 225-73.

E. Density. The density of housing in any development hereafter constructed shall be not more



than six dwelling units per one acre.

- F. Pinelands Development Credit requirements. Pinelands Development Credits shall be required for 25% of all units, excluding those units which are made affordable for very-low-low- and moderate-income households. One-quarter of a Pinelands Development Credit (i.e., one right) shall be purchased and redeemed for every four nonincome restricted units, rounded up to the next highest increment of a quarter Pinelands Development Credit.
- G. Site plan review. All development pursuant to § 225-47D(2) shall be subject to Chapter 198 of the Code of the Township of Egg Harbor.
- H. Subdivision review. All development pursuant to § 225-47A and B shall be subject to Chapter 198 of the Code of the Township of Egg Harbor.
- I. Parking area requirements. All development shall be subject to Article VII of this chapter.
- J. Buffer requirements. All development pursuant to § 225-47D(2) shall be subject to § 94-8 of the Code of the Township of Egg Harbor.
- K. Lighting requirements. All development pursuant to § 225-47D(2) shall be subject to § 94-23 of the Code of the Township of Egg Harbor.
- L. Landscaping requirements. All development pursuant to § 225-47D(2) shall be subject to § 94-22 of the Code of the Township of Egg Harbor.
- M. Signs. All development pursuant to § 225-47D(2) shall be subject to Article VIII of this chapter.

**§ 225-48. RG-5 Residential District. [Added 2-24-1993 by Ord. No. 9-1993; amended 7-14-1993 by Ord. No. 30-1993; 4-25-2001 by Ord. No. 14-2001; 9-12-2001 by Ord. No. 23-2001; 6-12-2002 by Ord. No. 36-2002; 11-13-2002 by Ord. No. 72-2002; 5-30-2012 by Ord. No. 22-2012; 2-27-2013 by Ord. No. 4-2013; 4-18-2018 by Ord. No. 12-2018]**

- A. Permitted principal uses shall be:
  - (1) Single-family detached dwellings.
  - (2) Public parks, playgrounds, active and passive recreation.
  - (3) Two-family dwellings.
  - (4) Single-family attached dwellings subject to the following conditions:
    - (a) Minimum tract size of three acres.
    - (b) No single-family attached dwellings will front on a public street.
    - (c) There should be a ten-foot-wide buffer area around the perimeter of the site.
    - (d) Adequate sight distances for entrance onto public roads is required.
    - (e) No more than eight single-family attached dwellings shall be contained in any one continuous structure.

- (f) Public sewerage shall be provided.
- B. Permitted accessory uses shall be:
- (1) Uses customary and incidental to the principal uses.
  - (2) Professional home office, provided that not more than 25% of the gross area of the principal building is used for office purposes.
- C. Area, yard and building requirements shall be as specified in § 225-7.
- D. Permitted modifications and conditional uses shall be:
- (1) Home occupations subject to the conditions contained in § 225-44D(1).
  - (2) Public and private schools, churches, chapels, synagogues or similar houses of worship subject to § 225-46D(2).
  - (3) Planned adult communities pursuant to § 225-73.
  - (4) Garden apartments, subject to the following conditions:
    - (a) Minimum tract size shall be seven acres.
    - (b) No garden apartment will front on a public street.
    - (c) A buffer area 20 feet in width shall be provided around the perimeter of the tract.
    - (d) Adequate sight distances for entrance onto public roads is required.
    - (e) Each garden apartment shall be limited to a maximum of 20 dwelling units and a length of 180 feet. Such structures shall be grouped in clusters of consistent architectural design. A minimum of two feet of building offset for every two ground floor dwelling units, or a minimum of four feet of offset for every five ground floor units, shall be provided.
    - (f) An outdoor private living space for each ground floor unit shall be provided. Adequate visual screening of such living space from all other neighboring dwelling units, outdoor living spaces, parking areas and roadways shall be provided.
    - (g) A variety of building heights between three- and four-story structures within a single project is recommended.
  - (5) Mix-use planned development option subject to the following conditions:
    - (a) Residential components shall be in accordance with the permitted and conditional uses in the RG-5 Zone. All conditional residential components of mixed-use developments must comply with all conditions as specified in Chapter 225 for the particular use.
    - (b) Commercial components shall be in accordance with the permitted uses in the General Commercial (GC) Zone.

- (c) Minimum tract size of 25 acres.
  - (d) Minimum frontage of 150 feet on a public street.
  - (e) No residential units shall front on an existing public street.
  - (f) There shall be a fifty-foot-wide buffer area around the perimeter of the site.
  - (g) Minimum lot depth. All residential units shall have a minimum depth of 100 feet if parking is located on individual lots, or 80 feet if parking is located off site.
  - (h) Mix of uses.
    - [1] The maximum amount of land to be designated for residential development may not exceed 80%.
    - [2] The maximum amount of land to be designated for commercial development may not exceed 30%.
  - (i) There shall be a direct pedestrian linkage between the commercial and residential components of the project.
  - (j) Recreational facilities must be provided as part of the mixed-use development in accordance with § 225-73. The Planning Board may accept an in-lieu contribution towards the required recreation, provided that the applicant can demonstrate that the recreational needs can be met by existing Township facilities.
  - (k) A homeowners' association shall be formed in accordance with § 94-31 of this Code. All common open spaces including stormwater management facilities shall be owned and maintained by the association. The association may be affiliated with an overall development association or may be a separate association.
- (6) Assisted living or independent living facilities subject to the density requirements of Subsection E below, provided that the following conditions are met:
- (a) Minimum lot size shall be one acre.
  - (b) Minimum parking setbacks: 35 feet from any county right-of-way; 20 feet from a municipal right-of-way or rear property line; and zero feet where cross easements for parking are maintained.
  - (c) The Planning Board may impose more restrictive conditions or any further reasonable conditions to the effect of noise, traffic movement and volume, lighting and/or intensity of such conditional activities on adjacent land uses and may require a sufficient guarantee to ensure compliance with such restrictions or conditions.
  - (d) All utilities shall be located underground.
- E. Density. The density of housing in any development hereafter constructed shall not be more than 7.50 dwelling units per one acre. For mixed-use developments, the permitted densities shall be based on the total acreage designated for residential uses.

- F. Pinelands Development Credit requirements. Pinelands Development Credits shall be required for 25% of all units, excluding those units which are made affordable for very-low-, low- and moderate-income households. One-quarter of a Pinelands Development Credit (i.e., one right) shall be purchased and redeemed for every four nonincome restricted units, rounded up to the next highest increment of a quarter Pinelands Development Credit.
- G. Site plan review. All development pursuant to Subsection D shall be subject to Chapter 198 of the Code of the Township of Egg Harbor.
- H. Parking area requirements. Off-street parking shall be pursuant to Article VII of Chapter 225 of the Code of the Township of Egg Harbor.
- I. Subdivision review. All development pursuant to Subsection A shall be subject to Chapter 198 of the Code of the Township of Egg Harbor.
- J. Buffer requirements. All development pursuant to Subsection D shall be subject to § 94-8 of the Code of the Township of Egg Harbor.
- K. Lighting requirements. All development pursuant to Subsection D shall be subject to § 94-23 of the Code of the Township of Egg Harbor.
- L. Landscaping requirements. All development pursuant to Subsection D shall be subject to § 94-22 of the Code of the Township of Egg Harbor.
- M. Signs. All development pursuant to Subsection D shall be subject to Article VIII of Chapter 225 of the Code of the Township of Egg Harbor.

**§ 225-49. AH-RG-4 Affordable Housing Residential District. [Added 9-12-2012 by Ord. No. 37-2012]**

- A. Permitted principal uses shall be inclusionary housing developments, in conformance with the conditions of the settlement agreement between English Creek Manor and the Township of Egg Harbor, consisting of a mix of the following:
  - (1) Single-family detached dwellings.
  - (2) Single-family attached dwellings, subject to the following:
    - (a) No single-family attached dwellings will front on a public street.
    - (b) There should be a twenty-foot-wide buffer area around the perimeter of the site.
    - (c) Adequate sight distances for entrance onto public roads are required.
    - (d) No more than eight single-family attached dwellings shall be contained in any one continuous structure.
  - (3) Flats are permitted to be integrated into the buildings containing the single-family affordable dwelling units.
  - (4) Public parks, playgrounds, and active and passive recreation.

- B. Permitted accessory uses shall be:
  - (1) Uses customary and incidental to the principal uses.
- C. Area, yard and building requirements shall be as specified in § 225-49AA.
- D. Permitted modifications and conditional uses shall be:
  - (1) Home occupations, subject to the conditions contained in § 225-44D(1).
- E. Maximum density. Subject to the limitations for each category of residential use set forth below, the density of housing in the AH-RG-4 Affordable Housing Residential District shall not be more than four dwelling units per one acre. The density of the mobile home park in existence as of the effective date of this section shall not be more than six dwelling units per one acre.
- F. Affordable housing phasing. Affordable units are to be constructed as follows:

<b>Percentage of Market-Rate Units Completed</b>	<b>Minimum Percentage of Low- and Moderate- Income Units Completed</b>
25%	0%
25% + 1 unit	10%
50%	50%
75%	75%
90%	100%

- G. Integration. Low- and moderate-income units are to be fully integrated with the market-rate units, to the extent feasible.
- H. Heating. All affordable units shall utilize the same heating source as market-rate units if such units are for sale. In the event the affordable units are in a stand-alone rental building, then a separate heating source shall be permitted. To the extent that the affordable units are integrated, then, in accordance with COAH regulations, the affordable units should utilize the same heating source as the market-rate units within the inclusionary development, and the affordable units should also have access to all community amenities available to the market-rate units.
- I. Access. All affordable units shall access to all community amenities available to market-rate units and subsidized in whole by association fees.
- J. Accessible and adaptable units. The first floor of all townhouse units and all other multistory dwelling units must comply with the requirements contained in N.J.A.C. 5:97-3.14.
- K. Twenty percent of all the new units constructed must be affordable to low- and moderate-income households, with a minimum of 50% of the affordable units affordable to low-income households. Affordable units must comply with the requirements of N.J.A.C. 5:97-9 and UHAC.

- L. Site plan review. All development shall be subject to Chapter 198 of the Code of the Township of Egg Harbor.
- M. Parking area requirements. Off-street parking shall be pursuant to Article VII of Chapter 225 of the Code of the Township of Egg Harbor.
- N. Subdivision review. All development shall be subject to Chapter 198 of the Code of the Township of Egg Harbor.
- O. Buffer requirements. All development shall be subject to Chapter 94, § 94-8, of the Code of the Township of Egg Harbor as supplemented herein. In the event of a conflict between § 94-8 and this section, the provisions of this section shall control.
- P. Lighting requirements. All development shall be subject to Chapter 94, § 94-23, of the Code of the Township of Egg Harbor.
- Q. Landscaping requirements. All development shall be subject to Chapter 94, § 94-22, of the Code of the Township of Egg Harbor.
- R. Signs. All development shall be subject to Article VIII of Chapter 225 of the Code of the Township of Egg Harbor.
- S. Flats. The maximum number of flats (single-story multifamily units) permitted in the AH-RG-4 Affordable Housing Residential District shall not exceed 25% of the total units constructed in the AH-RG-4 Affordable Housing Residential District.
- T. Single-family detached dwellings. The minimum number of single-family detached dwelling units required to be constructed in the AH-RG-4 Affordable Housing Residential District shall be 28. At a minimum, 28 single-family detached dwelling units shall be constructed fronting Winnipeg Avenue. In the event single-family detached homes do not front on Winnipeg Avenue, then a fifty-foot landscaped buffer will be required to be provided along both sides of Winnipeg Avenue where the single-family units do not front. In the event single-family detached homes front on Winnipeg Avenue, then no buffer shall be required as to the side of Winnipeg where the single-family units are located and front on Winnipeg. "Fronting on Winnipeg Avenue" means that the front door and driveway shall be along Winnipeg. The intent of the parties is that there will either be a fifty-foot buffer or single-family detached units fronting on both sides of Winnipeg.
- U. Completeness requirements. In addition to the requirements contained in the Completeness Checklist in Chapter 198 of the Code of the Township of Egg Harbor, any application for development shall be consistent with the settlement agreement between English Creek Manor and the Township of Egg Harbor.
- V. Affordable unit administration fees. The developer shall pay all administrative fees associated with the administration of affordable units in the AH-RG-4 Affordable Housing Residential District.
- W. Affordable units' affordability status. The developer shall take all steps necessary to ensure the creditworthiness of the affordable units. Such steps include, but are not limited to, complying with COAH's bedroom distribution requirements, pricing requirements,

marketing requirements and deed restriction requirements.

- X. Maximum number of units. To implement the settlement between the Township of Egg Harbor and Planning Board and English Creek Manor, Docket No. ATL-L-4234-06 P.W., dated June 1, 2006, the maximum number of units can not exceed 223 on the following lots and blocks: the balance of the following properties after subtracting the lots comprising the mobile home park and the property to be acquired by Egg Harbor Township: Block 3201, Lot 14, and Block 3104, Lot 43; provided, however, that none of the current mobile home park units on Block 3201, Lot 14, and Block 3201, Lot 52, shall be counted in determining this maximum number of units. In the event that there are fewer than 55.783 acres, the maximum number will be adjusted downwards, but not upwards, based upon the following formula: number of acres times four units per acre equals the maximum number of units allowed. The selection by the developer(s) from the use and bulk standards set forth in Subsection Y shall affect the extent to which the 223 units are achieved.
- Y. Pinelands development credits ("PDCs") will not be charged to the mobile home park, but the purchase and redemption of PDCs is required for 25% of any new market-rate units constructed in the remainder of the AH-RG-4 Zone. One right (0.25 PDC) shall be required for every four such market-rate units.
- Z. The Township's Code, specifically § 225-52C(1) and C(4), shall be revised as follows.<sup>13</sup>

AA. Use and bulk requirements.

- (1) Density: four units per acre, not including any mobile home units in existence as of the effective date of this section.
- (2) Single-family detached homes:
  - (a) Minimum lot size: 8,000 square feet.
  - (b) Minimum lot width: 80 feet.
  - (c) Front yard: 35 feet, unless side-entry garage, then 25 feet.
  - (d) Rear yard: 25 feet.
  - (e) Side yard: 5/15 aggregate feet.
  - (f) Side yard accessory structure: five feet.
  - (g) Rear yard accessory structure: five feet.
  - (h) Maximum building height, principal: 30 feet.
  - (i) Maximum building height, accessory: 15 feet.
  - (j) Maximum impervious coverage: 45%.
- (3) Single-family attached:

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13. Editor's Note: The revisions indicated have been incorporated into the noted sections. See § 225-52C(1) and (4) for current provisions.

- (a) Minimum lot size: 2,200 square feet.
  - (b) Front yard:
    - [1] Private street: 35 feet, unless side-entry garage, then 25 feet.
  - (c) Rear yard — rear lot line: 25 feet.
  - (d) Side yard — side lot line: 0/20 feet. The first number represents the distance between units, and the second number represents the distance from the property line.
  - (e) Accessory structure:
    - [1] Rear yard: five feet.
    - [2] Side yard: five feet.
  - (f) Maximum building height:
    - [1] Principal structure: 30 feet.
    - [2] Accessory structure: 15 feet.
  - (g) Maximum impervious coverage: 45%.
  - (h) Minimum distance between buildings: 50 feet.
- (4) Multilevel townhomes and flats:
- (a) Front yard:
    - [1] Private street: 35 feet, unless side-entry garage, then 25 feet.
  - (b) Rear yard — rear lot line: 25 feet.
  - (c) Side yard — side lot line: 0/20 feet. The first number represents the distance between units, and the second number represents the distance from the property line.
  - (d) Accessory structure:
    - [1] Rear yard: five feet.
    - [2] Side yard: five feet.
  - (e) Maximum building height:
    - [1] Principal structure: 30 feet.
    - [2] Accessory structure: 15 feet.
  - (f) Maximum impervious coverage: 45%.
  - (g) Minimum distance between buildings: 50 feet.